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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,883	01/31/2001	Kenneth F. Carpenter JR.	UV-180	7944
1473	7590	07/13/2005	EXAMINER	
FISH & NEAVE IP GROUP ROPES & GRAY LLP 1251 AVENUE OF THE AMERICAS FL C3 NEW YORK, NY 10020-1105			BELIVEAU, SCOTT E	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/773,883

Applicant(s)

CARPENTER ET AL.

Examiner

Scott Beliveau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 7, 9-12, 14-19, 21, 22, 26-28, 30-32, 34, 36, 38-43, 45, 49, 50, 53, 54 and 60-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Continuation of Disposition of Claims: Claims pending in the application are 1-3,5,7,9-12,14-19,21,22,26-28,30-32,34,36,38-43,45,49,50,53,54 and 60-62.

DETAILED ACTION

Priority

1. Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged.

However, the provisional application upon which priority is claimed fails to provide adequate support under 35 U.S.C. 112 for claims 1-3, 5, 7, 9-12, 14-19, 21, 22, 26-28, 30-32, 34, 36, 38-43, 45, 49, 50, 53, 54, and 60-62 of this application. In particular, the newly added negative limitation enabling the user to navigate between different regions of the display interface without focusing on cells within the particular regions is not present in the earlier fillings. Accordingly, the application shall be examined based upon its filing date of 31 January 2001.

Drawings

2. The drawings received on 14 June 2001 are approved in light of amendments to the specification.

Response to Arguments

3. Applicant's arguments with respect to claims 1-3, 5, 7, 9-12, 14-19, 21, 22, 26-28, 30-32, 34, 36, 38-43, 45, 49, 50, 53, 54, and 60-62 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 5, 9-11, 21, 26, 28, 30, 34, 38-40, 53, 60, and 62 are rejected under 35

U.S.C. 102(b) as being anticipated by Boyer et al. (WO 98/265,584 A1).

In consideration of claims 1 and 30, Figure 3 illustrates a “system” comprising “user television equipment” for implementing a “method” for using an “interactive television application” or television program guide which “allows a user to navigate among content displayed on a display” (Page 10, Line 15 – Page 11, Line 14). As shown in representative Figure 16, the “display” is configured to “provide multiple cells on the display of the interactive television application” wherein “each cell of the multiple cells [is associated] with an entity . . . [including] at least one cell associated with a television channel entity and at least another cell associated with another entity”. For example, the illustrated display includes cells associated with television entities in the middle portion of the screen and cells associated with different entities such as those corresponding advertisements for a company (ex. Gillete™), television service providers (ex. TCI), and web sites (ex. Preview Channel On-line) at the top portion of the screen.

As shown, “multiple cells on the display [are grouped] into regions based on the cells’ associated entities, wherein the at least one cell associated with the television channel entity is associated with a first region” (ex. middle of the display) and the “at least another entity is associated with a second region” (ex. top of the display). Subsequently, the user is “allowed . . . to navigate between the first region and the second region on the display” through the use of a cursor [142] (Figure 4; Page 17, Line 9-26) “without focusing on cells within the first

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region and the second region” and is further “allowed . . . to navigate between cells within one of the first region and the second region” in order to select a cell of interest for further action. In particular, the user is operable to navigate the cursor [142] within and between any cell without actually selecting or focusing / highlighting any particular cell or region.

Claims 5 and 34 are rejected wherein “at least one of the first region . . . is arranged in a grid” as illustrated in Figure 16.

Claims 9 and 38 are rejected wherein Figure 16 further “displays an indicator” associated with the scroll-bar which “indicates the existence of at least one entity not associated with any of the cells” currently displayed.

Claims 10, 11, 39, and 40 are rejected wherein the “associations between the entitles and the cells [are allowed] to change . . . based on the user’s actions”. In particular, the user is operable to scroll through the listings (Page 27, Line 5- 18) thereby changing the associations. For example, if the user scrolled down 1 row the entity associated with the first cell in the program listings region would change from “KCBS” to “KNBC”.

Claims 21 and 53 are rejected wherein as aforementioned and illustrated in Figure 16 an “entity is one of a . . . a television service provider . . [and] a company”.

Claims 26, 28, 60, and 62 are rejected as aforementioned wherein Figure 3 of Boyer et al. illustrates a “system” comprising “user television equipment” for implementing a “method” for using an “interactive television application” or television program guide which “allows a user to navigate among content displayed on a display” (Page 10, Line 15 – Page 11, Line 14). As shown in representative Figure 17, the “display” is configured to “provide multiple cells on the display of the interactive television application” wherein “each cell of the

multiple cells [is associated] with an entity on a on-to-one basis. . . [including] at least one cell associated with a television channel entity and at least another cell associated with another entity”. For example, the illustrated display includes cells associated with television entities in the middle portion of the screen and cells associated with different entities such as those corresponding to television service providers (ex. TCI) in the top portion of the screen.

As illustrated, “at least one brand mark” is “displayed” in the “multiple cells” wherein the “brand mark is related to the entity with which the particular cell is associated” and the “multiple cells on the display [are grouped] into regions based on the cells’ associated entities, wherein the at least one cell associated with the television channel entity is associated with a first region” (ex. middle of the display) and the “at least another entity is associated with a second region” (ex. top of the display). Subsequently, the user is “allowed . . . to navigate between the first region and the second region on the display” through the use of a cursor [142] (Figure 4; Page 17, Line 9-26) “without focusing on cells within the first region and the second region” and is further “allowed . . . to navigate between cells within one of the first region and the second region” so as to select a cell of interest for further action. In particular, the user is operable to navigate the cursor [142] within and between any cell without actually selecting or focusing / highlighting any particular cell or region.

Subsequently, the “user [is allowed] to select a cell to which the user has navigated” and to “perform an action when the user selects a cell” wherein the “action is at least one of . . . displaying a web page or displaying information” (Page 28, Line 27 – Page 29, Line 17).

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6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claim 2, 3, 31, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyer et al. (WO 98/265,584 A1) in view of the "IBM Technical Disclosure Bulletin".

In consideration of claims 2 and 31, as aforementioned, Figure 16 of the Boyer et al. reference is organized into various regions of information. It is unclear, however, as to whether or not the display of Figure 16, however, comprises a plurality of frames corresponding to each particular region. The Boyer et al. reference discloses that at least one of the web pages utilizes frames (Page 24, Line 26 – Page 25, Line 5). It would have been obvious to one having ordinary skill in the art at the time the invention was made so as to employ different frames for each of the particular regions for the purpose of efficiently utilizing system resources in connection with the display of common material between local cable systems.

However, the reference in conjunction with allowing the user to navigate between regions is silent with respect to highlighting regions as claimed. In a related art pertaining to interactive television applications, the IBM article discloses that it is desirable to “display a region highlight that surrounds one region” of a web-page and to “allow the user to move the region highlight” between regions or frames within a web page so as to clearly indicate which frame has focus. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the Boyer et al. browser so as to further “display a region highlight” which “surrounds one region of the first region and the second region” based upon the user’s navigation to either region for the purpose of providing feedback to the user as to which frame/region within the interface has input focus.

Claims 3 and 32 are rejected in light of the aforementioned. In particular, the Boyer et al. reference is unclear as to the particular usage of frames in conjunction with the displayed web-pages. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to employ different frames for each of the particular regions for the purpose of efficiently utilizing system resources in connection with the display of common material between local cable systems. The reference, however, is silent with respect to the particular usage of “region” and “navigation highlights”. The IBM technical disclosure implicitly discloses that some web-browsers display frame borders thereby “displaying at least one region highlight that surrounds at least one of the first region and the second region” so as to provide an indicate the boundaries between frames. Furthermore, the reference discloses “display a navigation highlight that is different in appearance from each of the at least one region highlight, and wherein the navigation

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highlight surrounds one of [a] first region and [a] second region to indicate that the user has navigated to the region the navigation highlight surrounds” in connection with web-pages comprising frames. Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the Boyer et al. browser so as to further “display a region highlight” in association with the web-page so as to indicate the particular boundaries of frames within the web page and to further display a “navigation highlight” indicative of the currently selected frame for the purpose of providing feedback to the user as to which frame/region within the interface has input focus.

9. Claim 12, 18, 19, 22, 27, 41-43, 49, 50, 54, and 61 rejected under 35 U.S.C. 103(a) as being unpatentable over Boyer et al. (WO 98/265,584 A1) in view of Matthews, III (US Pat No. 5,815,145).

In consideration of claims 12 and 43, as aforementioned, Figure 3 of the Boyer et al. reference illustrates a “system” comprising “user television equipment” for implementing a “method” for using an “interactive television application” or television program guide which “allows a user to navigate among content displayed on a display” (Page 10, Line 15 – Page 11, Line 14). As shown in representative Figure 17, the “display” is configured to “provide multiple cells on the display of the interactive television application” wherein “each cell of the multiple cells [is associated] with an entity . . . [including] at least one cell associated with a television channel entity and at least another cell associated with another entity”. For example, the illustrated display includes cells associated with television entities in the middle portion of the screen and cells associated with different entities such as those corresponding to television service providers (ex. TCI) are illustrated in the top portion of the screen.

As illustrated, “at least one brand mark” is “displayed” in the “multiple cells” wherein the “brand mark is related to the entity with which the particular cell is associated” and the “multiple cells on the display [are grouped] into regions based on the cells’ associated entities, wherein the at least one cell associated with the television channel entity is associated with a first region” (ex. middle of the display) and the “at least another entity is associated with a second region” (ex. top of the display). Subsequently, the user is “allowed . . . to navigate between the first region and the second region on the display” through the use of a cursor [142] (Figure 4; Page 17, Line 9-26) “without focusing on cells within the first region and the second region” and is further “allowed . . . to navigate between cells within one of the first region and the second region” so as to select a cell of interest for further action. For example, the user could navigate within the “dead space” (near the headings Channel – Description) in the first region and from there navigate to the second region associated with the top of the page without selecting any individual channel listing.

The reference, however, does not explicitly disclose that “when the user navigates to a particular cell having a brand mark displayed therein, [that the system] displays content other than the brand mark in the particular cell”. The reference, however, discloses the ability to provide video (Page 16, Line 18 – Page 17, Line 8) as well as displaying context-sensitive images throughout the entire program guide (Page 21, Lines 8-21). In a related art pertaining to interactive television applications, the Matthews, III reference provides evidence as to the existence of a channel guide which “displays content other than [a] brand mark in [a] particular cell” or a context-sensitive image corresponding to the current television programming of the channel for which the user has navigated to (Matthews, III: Col 5, Lines

16-35). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify Boyer et al. so as to provide a context-sensitive image or to “display content other than the brand mark in the particular cell” for the purpose of not only providing an indication of where the cursor is currently located (Boyer et al.: Page 21, Lines 17-21) but to furthermore advantageously take advantage of the graphics-based nature of IT systems by providing the user with visual images corresponding available programming thereby facilitating full utilization of programming available on IT systems over and above merely providing short text descriptions (Matthews, III: Col 1, Line 61 – Col 2, Line 3; Col 2, Lines 34-39).

Claims 18, 19, 49, and 50 are rejected in view of the combined references wherein Matthews, III reference discloses “displaying an overlay for the entity associated with the cell to which the user navigates” that further comprises “operator-specified promotional content” such as a preview (Matthews, III: Col 9, Lines 26-39).

Claims 22 and 54 are rejected wherein the “content other than the brand mark is selected from a group consisting of scaled video, the currently broadcast video of a television channel, a graphic text . . . and any combination thereof” (Matthews, III: Col 5, Lines 23-36; Col 6, Line 21 – Col 9, Line 59).

Claims 27 and 61 are rejected wherein the “brand mark is one of a brand mark for a television channel . . . ” as illustrated in Figure 17 of Boyer et al.

Claims 41 and 42 are rejected in light of Figure 3 of Boyer et al. wherein the “user television equipment” [28/30/32] is configured to “receive brand mark information from a remote source” or “television distribution facility” [86/88] to “store the brand mark

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information” and to “access the brand mark information locally” as necessary to render the received web page (Boyer et al.: Page 14, Line 24 – Page 16, Line 17).

10. Claim 7, 14, 36, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyer et al. (WO 98/265,584 A1) in view Lewis (US Pat No. 5,990,862).

In consideration of claims 7 and 36, as illustrated in Figure 16 the Boyer reference “allows the user to select one of the first and the second region” in association with navigating to and subsequently selecting a cell from those regions. The reference, however, is silent with respect to “displaying a cell highlight”. In a related art pertaining to navigation through user interfaces, the Lewis reference discloses “displaying a cell highlight that surrounds one of the cells within the selected region” and further “allowing the user to move the cell highlight to another cell in the selected region” (Figure 4; Col 3, Line 24 – Col 4, Line 56). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made so as to modify the Boyer et al. interface so as to further provide the ability to activate/deactivate the “display [of] a cell highlight” and its subsequent movement corresponding to the movement of the cursor for the purpose of greatly increasing the ease of use of an input device such as a mouse or other pointing device in a Graphical User Interface environment (Lewis: Col 1, Lines 52-56).

In consideration of claims 14 and 45, the Lewis reference discloses that the user is operable to designate or filter targets such that not all targets are actually highlighted (Lewis: Col 4, Lines 57-67). Accordingly, taken in combination it would have been obvious to one having ordinary skill in the art such that the “appearance of the cell highlight depends on the entity with which the cell the highlight surrounds is associated” for the purpose of providing

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the user with flexibility in configuring the "highlighting". For example, the user may desire only to have targets associated with television channels as opposed to advertisements or products highlighted.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objections made.

- The Allison et al. (WO 99/03271 A1) reference discloses a navigation system for an interactive program guide.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 571-272-7343.

The examiner can normally be reached on Monday-Friday from 8:30 a.m. - 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SEB
July 10, 2005


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